

Board of Adjustment
Minutes
June 1st, 2016

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held at the Council Chambers, City Hall, Clifton, New Jersey, on Wednesday, June 1, 2016. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS PAUL GRAUPE, DANIEL TRENK, LOUIS DE STEFANO, KEITH LA FORGIA, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

Chrmn Zecchino advised all applicants that the testimony given before the Board was being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

Upon motion made by Comr Stephen Christopher, seconded by Comr Keith LaForgia, the Minutes of the May 11, 2016, special meeting were adopted with the unanimous approval of the entire Board.

Upon motion made by Comr Louis DeStefano, seconded by Comr Keith LaForgia, the Minutes of the May 18, 2016, regular meeting were adopted with the unanimous approval of the entire Board.

INSPECTION AND DECISION

- | | |
|------------|--|
| 1. | 206 CLIFTON PARTNERS LLC, |
| Use | 206 Delawanna Avenue, Block 60.14, |
| Variances; | Lots 13 and 33 – M-2 & M-3 – 1. Use |
| Variances | variance under <u>N.J.S.A.</u> 40:55D-70d(1) |

to permit multi-family residential uses in the M-2 and M-3 zones whereas residential uses are not permitted in these zones and a use variance under N.J.S.A. 40:55D-70d(6) to permit a building height of 46.33 feet whereas only 40 feet is permitted; 2. Preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 to allow a four (4) story, eighty (80) unit apartment building consisting of sixty-six (66) one-bedroom apartment units and eight (8) two-bedroom apartment units with a total of 146 off-street parking spaces (as required by and conforming with the Residential Site Improvement Standards); 3. In addition, applicant seeks dimensional variances under N.J.S.A. 40:55D-70c for the following: to permit a lot area of 4.3 acres for buildings 41 to 80 feet in height within the M-3 zone whereas a minimum of 5 acres is required; to permit a lot width of 125.5 feet whereas a minimum of 250 feet is required; and to permit a monument sign to be installed ten (10) feet from the front property line and within the front yard setback, whereas signs are required to have a 30 foot front yard setback. The applicant may also apply for such variance relief, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the applicant or the Board, and which may arise during the course of the hearing process.

This matter was previously continued by the Board for inspection and decision on June 15, 2016.

CONTINUED HEARINGS

1. YESHIVA KTANA OF PASSAIC, INC.,
Variances; 288, 292, 296, 300 & 304 South
Use Parkway, Block 59.01, Lots 8, 11,
Variance 13, 15 & 17 – R-B2 – Appeal or
application for a use variance required
to permit the demolition of the
existing houses on the lots listed
above and the construction of a
parking lot thereon to service the
abutting Yeshiva Ktana school in
the City of Passaic; and bulk
variances required for front yard setback
(25 feet required, 6 feet proposed),
side yard setbacks (20 feet
required, 6 feet proposed), rear
yard setback (35 feet required,
0 feet proposed), fence height and
open space (4 feet 50% open fence
permitted maximum, 4 foot high solid
wall with 6 foot high 50% open fence
in front of wall proposed), parking and
maneuvering in front yard, parking
within 10 feet of the rear line and
failure to provide interior lot landscaping,
and any other variances that may be
determined by the Board to be required.

This matter was continued to a special meeting of the Board to be held on June 29, 2016.

2. VINCENT SAURO, 37 Harding Avenue,
Variances (1150 Main Avenue), Block 12.05, Lot 1
– B-C – Variances required to convert
existing tenant space into a comedy club/
restaurant use. 1. Comedy Club not listed
as permitted use-use variance required.
2. Applicant space requires 45 parking
spaces plus parking for two other tenant
areas within the building no on-site parking
provided. 3. Existing nonconforming
building setback and lot coverage.

At the request of the applicant, this matter was continued to the July 20, 2016,
meeting of the Board.

3. ALDEN TRANSPORTATION CORPORATION,
Use 82 Circle Avenue, Block 15.14, Lot 33 – M-2 –
Variance; Applicant proposes to build a school bus
Variance storage and repair facility. Use variance
required for a dispatch service within an M-2
district. Bulk variance relief from front yard
setback, maximum lot coverage, parking in
the front yard.

This matter was previously continued by the Board to the June 15, 2016,
meeting.

NEW HEARINGS

1. OLIVER PROCHASKA, 139 Doherty
Variances Drive, Block 53.07, Lot 59 – RA2 –
Variances required for the construction
of an attached garage and front porch:
1. Rear yard proposed at 12’ where 35’
is required. 2. Front yard proposed at
23’ where 30’ is required.

The applicant, residing at 139 Doherty Drive, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for construction of an attached garage and front porch at the subject premises; that the rear yard setback requirement is 35 feet, and he is proposing 12 feet; that the front yard setback requirement is 30 feet, and he is proposing 23 feet; that his hardship is there is a fire hydrant in the front of his house, and he has no place to park the motor vehicles.

After a review of the testimony, Comr Keith LaForgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for rear and front yard setback variance approval. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

2. **JEFFREY BLOOM**, 6 Conover Court,
Variance Block 71.03, Lot 3 – RA3 – Variance
required for a proposed second floor
addition: 1. Front yard proposed at
20.66' where a minimum of 25' is
required.

Elise Bloom, wife of the applicant, residing at 6 Conover Court, Clifton, New Jersey, was present and sworn. Also present and sworn was William Martin, a professional planner, with offices at 25 Boulevard, Westwood, New Jersey. There were no objectors.

Mr. Martin testified that the applicant is seeking a front yard setback variance for a proposed second floor addition at the subject premises; that the front yard setback requirement is 25 feet, and the applicant is proposing 20.66 feet; that the purpose of the addition is to add more living space for an expanding family; that the structure is a one-family dwelling and will continue to remain a one-family dwelling.

Elise Bloom confirmed that the testimony given by Mr. Martin was accurate.

Offered into evidence and marked "A-1" were photographs showing the aerial view and the zone of the premises.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the front yard setback variance. The motion was seconded by Comr Stephen Christopher. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

3. **ALISA A. CORBETT**, 23 Harrington Road,
Variances Block 56.02, Lot 12 – RA3 – Variances
required for a proposed two-story addition
and a partial (rear) second floor addition:
1. Left side yard proposed at 4.8' where a
minimum of 6' is required. 2. Rear yard
setback proposed at 34.33' to the house
and 24.25' to the deck where a minimum
of 35' is required. 3. Lot coverage proposed
at 31.5% where a maximum of 27% is
permitted.

The applicant and her father, Arthur DeRose, residing at 23 Harrington Road, Clifton, New Jersey, were present and sworn. There were no objectors.

Mr. DeRose testified that the applicant requests variance approval for a proposed two-story addition and partial rear second story addition at the subject premises; that the left side yard setback requirement is 6 feet, and the applicant proposes 4.8 feet; that the rear yard setback requirement is 35 feet, and the applicant proposes 34.33 feet to the house and 24.25 feet to the deck; that the lot coverage requirement is 27 percent, and the applicant is seeking 31.5 percent; that all proposed work will be in the rear of the property; that the proposed addition will be in keeping with the existing house, and the addition will improve the rear elevation aesthetically.

Offered into evidence were the following photographs as exhibits:

“A-1” is the front of the house;

“A-2” is the rear of the house;

“A-3” is the side view of the house;

“A-4” is the entire group of houses adjacent to the subject premises;

“A-5” is a view of the setbacks.

After a review of the testimony, Comr Keith LaForgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances requested. The motion was seconded by Comr Roy Noonburg. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

4. YASIR ABDALLATIF, 157 Trimble Avenue,
Variance Block 6.21, Lot 1 – RB1 – Variance
required for a 5’ high solid fence proposed
along street side yard (Vernon Avenue)
where a 4’ high 50% open fence is
permitted.

The applicant and his wife, Slifa Abdallatif, residing at 157 Trimble Avenue, Clifton, New Jersey, were present and sworn. There were no objectors.

Mr. Abdallatif testified that he requests variance approval for a 5-foot-high solid fence along the street side, which is Vernon Avenue, where a 4-foot-high, 50% open fence is permitted; that the purpose of the fence is for security as well as safety along a busy street.

Offered into evidence were the following photographs as exhibits:

- “A-1” is a photograph of the house;
- “A-2” is a photograph of the area;
- “A-3” is a photograph of the roadway;
- “A-4” is existing fence and shrubbery; and
- “A-5” is photograph of an accident.

Mr. Abdallatif stated that there will be no obstruction for people making a left turn from Vernon Avenue; that he would stipulate to a 4-foot-high solid fence with a 1-foot lattice on top for a total of 5 feet.

After a review of the testimony, Comr Roy Noonburg moved to grant the application with the stipulation that it be a 4-foot-high solid fence with a 1-foot lattice on top of the 4-foot-high solid fence for a total of 5 feet and instructed the Counsel Secretary to prepare the proper Resolution for approval. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

5. **TWENTY (20) INDUSTRIAL WEST, LLC,**
Use 20 Industrial West, Block 56.09, Lot 2 – M-1 –
Variance Applicant proposes to rent approximately half of his existing warehouse building for the storage of dry goods. Use variance required for a use not specifically permitted within the M-1 zone.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant was Kevin O’Kane of 153 St. Martin Avenue, Montclair, New Jersey.

Mr. Sala stated that the applicant proposes to rent approximately one-half of the existing warehouse building at the subject premises for the storage of dry goods; that the second half is presently rented for general contractor equipment; that a use variance is required for a use not specifically permitted within the M-1 zone; that deliveries to the site will be by truck; that the area is strictly for storage; that the area is not a high traffic use.

Chrmn Zecchino stated that additional testimony is required from the tenant of the premises to indicate hours of operation, number of employees, access to and egress from the site, and other information which the Board may request.

Mr. Sala stated that he would produce an additional witness to satisfy any questions raised by the Board.

Thereupon, the matter was continued by the Board until the June 15, 2016, meeting of the Board.

RESOLUTIONS

Chrmn Mark Zecchino stated that the next order of business would be the adoption of the Resolutions set forth on the Agenda.

1. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of CLIFTON CENTRE COMMERCE III, LLC to permit relocation and increase of existing and proposed loading docks at 65 Industrial South, Block 56.08, Lots 4 and 13, was adopted.

2. Upon motion made by Comr Roy Noonburg, seconded by Comr Louis DeStefano, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of IVO RODRIGUEZ AND VANIA RODRIGUEZ, H/W – TRIMBLE AUTO BODY for use

variance to add wholesale auto dealer use as an accessory use to an auto body shop at 214 Trimble Avenue, Block 6.16, Lot 5, was adopted.

There being no further business before the Board, Comr Keith LaForgia moved to adjourn. The motion was seconded by Comr George Foukas with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF JUNE 1, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of: OLIVER PROCHASKA
for premises known as: 139 Doherty Drive, Block 53.07, Lot 59
be and the same is hereby: GRANTED rear and front yard setback variances
for an attached garage and front porch.

Testimony concerning the aforesaid application was taken by the Board at its
meeting on Wednesday, June 1, 2016. Said testimony including the application and
the plans and exhibits on file are incorporated herein by reference and made a part
hereof.

After a review of the testimony, Comr Keith LaForgia moved to grant the
application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for the
construction of an attached garage and front porch at premises located at 139
Doherty Drive, Block 53.07, Lot 59, which premises are located in a RA2 zone;
and

WHEREAS, the Board, after hearing the testimony presented by the applicant,
has made the following factual findings:

- a. The applicant proposes an attached garage with a rear yard setback of 12
feet where 35 feet is required;
- b. The applicant is also proposing a front porch with a setback with a setback
of 23 feet where 30 feet is required;
- c. The applicant has shown sufficient hardship for the proposed two-car
garage since there is a fire hydrant in front of his premises, and there is no place
to park his vehicles;
- d. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will
be in accord with the intent and purpose of the master plan and the zone
ordinance; and

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for the construction of an attached garage and front porch at premises located at 139 Doherty Drive, Block 53.07, Lot 59, be and the same is hereby approved and the variances for rear yard setback and front yard setback be and the same are hereby granted subject to such further governmental approvals as may be required by law.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr KEITH LA FORGIA.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

Affirmed by: Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JUNE 1, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of: JEFFREY BLOOM
for premises known as: 6 Conover Court, Block 71.03, Lot 3
be and the same is hereby: GRANTED a front yard setback variance for a
second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its
meeting on Wednesday, June 1, 2016. Said testimony including the application and
the plans and exhibits on file are incorporated herein by reference and made a part
hereof.

After a review of the testimony, Comr George Foukas moved to grant the
application on the basis of the following Resolution:

WHEREAS, the applicant requests front yard setback variance approval for a
second floor addition at premises located at 6 Conover Court, Block 71.03, Lot 3,
which premises are located in a RA3 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant
and his expert, has made the following factual findings:

- a. The applicant requests approval for a second floor addition for an
expanding family;
- b. The front yard setback requirement is 25 feet, and the applicant is
proposing 20.66 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the
variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will
be in accord with the intent and purpose of the master plan and the zone ordinance
since the structure will remain a one-family dwelling; and

WHEREAS, the Board further finds that there has been no testimony presented
to show that the proposal will be detrimental to the health, safety, and general

welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a second floor addition at premises located at 6 Conover Court, Block 71.03, Lot 3, be and the same is hereby approved and the front yard setback variance be and the same is hereby granted subject to such further governmental approvals as may be required by law.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr STEPHEN CHRISTOPHER.

Affirmed by: Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JUNE 1, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ALISA A. CORBETT for premises known as: 23 Harrington Road, Block 56.02, Lot 12 be and the same is hereby: GRANTED left side yard setback, rear yard setback, and lot coverage variances for a two-story addition and a partial rear second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, June 1, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Keith LaForgia moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for a two-story addition and a partial rear second floor addition at premises located at 23 Harrington Road, Block 56.02, Lot 12, which premises are located in a RA3 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant proposes to construct a two-story addition and a partial rear second floor addition to the subject premises;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 4.8 feet;
- c. The rear yard setback requirement is 35 feet, and the applicant proposes 34.33 feet to the house and 24.25 feet to the deck;
- d. The lot coverage permitted is 27 percent, and the applicant is seeking a variance to allow for 31.5 percent;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any, in that all work proposed will be in the rear yard and improve the rear elevation of the premises; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance since the structure will remain a one-family dwelling; and

WHEREAS, the Board further finds that there has been no testimony presented

to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a two-story addition and a partial rear second floor addition at premises located at 23 Harrington Road, Block 56.02, Lot 12, be and the same is hereby approved and the left side yard setback, rear yard setback, and lot coverage variances be and the same are hereby granted subject to such further governmental approvals as may be required by law.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr KEITH LA FORGIA.

Seconded by: Comr ROY NOONBURG.

Affirmed by: Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JUNE 1, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of: YASIR ABDALLATIF

for premises known as: 157 Trimble Avenue, Block 6.21, Lot 1

be and the same is hereby: GRANTED a 4-foot-high solid fence with a 1-foot-high lattice on top, for a total of 5 feet along the street side of Vernon Avenue.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, June 1, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Roy Noonburg moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a 5-foot-high solid fence at premises located at 157 Trimble Avenue, Block 6.21, Lot 1, which premises are located in a RB1 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant seeks approval for a 5-foot-high solid fence along the street side of the property which is Vernon Avenue;
- b. The ordinance permits a 4-foot-high 50% open fence;
- c. The applicant has testified that security and safety are the reasons for the 5-foot-high fence;
- d. The applicant presently has a 4-foot-high solid fence which would be removed;
- e. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that based upon the testimony of the applicants, that there will be no obstruction from motor vehicles making a left turn, which will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a 4-foot-high solid fence and a 1-foot-high lattice on top of the fence for a total of 5 feet in height at premises located at 157 Trimble Avenue, Block 6.21, Lot 1, be and the same is hereby approved and the variance be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the condition that the fence be a 4-foot-high solid fence with a 1-foot-high lattice above the fence along the street side (which is Vernon Avenue) of the property, for a fence with a total height of 5 feet.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr ROY NOONBURG.

Seconded by: Comr LOUIS DE STEFANO.

Affirmed by: Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.